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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/315,901	05/20/1999	WOLFGANG DULTZ	2345/70	7089
26646	7590	04/21/2005	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			REVAK, CHRISTOPHER A	
			ART UNIT	PAPER NUMBER
			2131	

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/315,901

Applicant(s)

DULTZ ET AL.

Examiner

Christopher A. Revak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-20 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 1-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. Please refer below to reasons for allowance for indicated allowable subject matter.

Drawings

2. The drawings filed on May 20, 2999 are acceptable subject to correction of the informalities indicated on the "Notice of Draftsperson's Patent Drawing Review," PTO-948 dated September 13, 1999 and included as an attachment to the office action mailed on March 25, 2003. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance.

Claim Objections

3. Claims 1-20 are objected to because of the following informalities:

There exist multiple antecedent basis problems in the claims.

In claim 1, line 3, it is recited of "a secret random binary encryption key" and later on line 5 and on line 21, it is recited of "the key" that should recite "the secret random binary encryption key";

In claim 3, line 2, it is recited of "additional secret random binary encryption keys" and later on line 4, it is recited of "additional secret keys" that should recite "additional secret random binary encryption keys";

In claim 7, line 1, it is recited of "the first key" and it should recite "the first recorded key" as is recited in independent claim 1;

In claims 12, lines 1&2, it is recited twice of "they key" that should recite "the secret random binary encryption key" as is recited in independent claim 1;

In claim 13, it is recited of "a random binary encryption key" and later on line 5 and on line 20, it is recited of "the key" that should recite "the random binary encryption key";

In claim 19, it is recited of "additional random binary encryption keys" and later on lines 3&6, it is recited of "additional secret keys" that should recite "additional random binary encryption keys"; and

In claim 20, lines 1&2, it is recited twice of "they key" that should recite "the random binary encryption key" as is recited in independent claim 1.

Appropriate correction is required.

Allowable Subject Matter

4. Claims 1-20 are allowed over the prior art, however there remain claim objections to the claims.
5. The following is a statement of reasons for the indication of allowable subject matter:

It was not found to be taught in the prior art of a random binary encryption keys generated and recorded on both a first and second portable medium, inserting the first and second portable mediums into a first and second telecommunications devices that transmit the keys to the other telecommunication device that compares the first and second random binary encryption keys and upon a match, encrypting messages using part of the random binary encryption key.

Conclusion

6. This application is in condition for allowance except for the following formal matters:

Claim objections to claims 1-20 that include lack of antecedent basis.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Takagi et al, U.S. Patent 5,109,152 discloses of encrypting communications between an IC card and card terminal that encrypts communications wherein the IC card generates a random number used for the encryption.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher A. Revak whose telephone number is 571-272-3794. The examiner can normally be reached on Monday-Friday, 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CR

April 17, 2005

Christopher Revak
AU 2131


4/17/05